

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

NICKALES MCALISTER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-21-0696-HE
	)	
STEPHENS COUNTY, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**


Plaintiff Leslie Nickales McAlister filed this case alleging violation of his constitutional rights under 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Amanda Green for initial proceedings. On November 23, 2021, Judge Green granted plaintiff's motion to proceed *in forma pauperis* and ordered plaintiff to make an initial partial filing fee of \$7.48. Plaintiff has never paid the fee. Judge Green has now issued a Report and Recommendation recommending that the case be dismissed for failure to comply with the court's order and pay the initial partial fee.

The Report advised plaintiff of his right to object to the Report by January 24, 2022. Plaintiff has not objected to the Report, thereby waiving his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #10]. This action is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

Dated this 7<sup>th</sup> day of February, 2022.

  
\_\_\_\_\_  
JOE HEATON  
UNITED STATES DISTRICT JUDGE